

## Message Text

PAGE 01 STATE 145050

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ORIGIN EA-10

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TO AMEMBASSY MANILA PRIORITY

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E.O. 11652:

TAGS: RP, MASS, PFOR, PINS, PORS, SHUM

SUBJECT: FRASER HEARINGS CONTINUE

1. CONGRESSMAN FRASER'S HEARINGS ON HUMAN RIGHTS IN THE PHILIPPINES CONTINUED JUNE 17 WITH AMELITO MUTUC, FORMER PHILIPPINE AMBASSADOR TO THE US, TESTIFYING INFORMALLY FOR THE PHILIPPINE GOVERNMENT. TESTIMONY WAS ALSO HEARD FROM PRIMITIVO MIJARES, FORMER CHAIRMAN OF THE PHILIPPINE MEDIA ADVISORY COUNCIL AND CLOSE CONFIDANT OF MARCOS, WHO "DEFECTED" TO THE US SEVERAL MONTHS AGO, AND MR. GERALD HILL, LOPEZ FAMILY LAWYER.

2. THE SESSION WAS OPENED BY CONGRESSMAN FRASER WHO READ INTO THE RECORD A LONG REBUTTAL BY DEFENSE SECRETARY ENRILE TO FRASER'S REFERENCE JUNE 3 THAT FEW FILIPINOS "BELIEVE THAT MARTIAL LAW IS NECESSARY TODAY." THRUST OF ENRILE STATEMENT WAS THAT SERIOUS SUBVERSIVE THREAT FROM RIGHT, LEFT AND MUSLIMS, STILL EXISTS IN PHILIPPINES. MOST DRAMA-  
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PAGE 02 STATE 145050

TIC PART OF THE HEARING REVOLVED AROUND STATEMENTS BY MIJARES AND HILL ON LACK OF PRESS FREEDOM IN THE PHILIPPINES AND ON MIJARES EXPLANATION OF HOW MARTIAL LAW REFERENDA WERE RIGGED AND HOW MARCOS IS INVOLVED PERSONALLY IN CORRUP-

TION. MUTUC, WHO WAS OBVIOUSLY HEWING VERY CLOSELY TO THE

GOP LINE, GAVE A REASONABLE DEFENSE OF MARTIAL LAW AND "CONSTITUTIONAL AUTHORITARIANISM" BUT WAS VERY UNCONVINCING DURING THE QUESTION AND ANSWER PERIOD.

3. THE LIVELY SESSION WAS ATTENDED BY CONGRESSMEN FRASER, WOLFF AND FINDLEY (BRIEFLY). AP CORRESPONDENT ARNOLD ZEITLAN AND FAR EAST ECONOMIC REVIEW WRITER WIDEMAN WERE ALSO PRESENT. AN AMUSING TONE WAS SET FOR THE HEARING BY THE OPENLY JOVIAL AND FRIENDLY RELATIONS BETWEEN MUTUC, MIJARES, HEHERESON ALVAREZ AND MANGLAPUS, ALL OF WHOM WERE PRESENT. THE SPECTRUM OF VIEWS WAS COMPLETED BY PHILIPPINE EMBASSY OFFICIALS ARGUELLES AND CADAY ACCOMPANYING MUTUC, WHO ALSO CHATTED WITH ALVAREZ AND MIJARES, AND BY THE PRESENCE OF PROCULO RODRIGUEZ, WHO NOW CLAIMS TO BE "DRIVER AND BODY GUARD FOR MIJARES".

4. COPIES OF ALL STATEMENTS AND GOP DOCUMENTS BEING POUCHED. FOLLOWING IS SUMMARY OF TESTIMONY:

5. PRIMITIVO MIJARES OPENED SESSION BY TRACING WHAT HE CHARGED WAS "METHODICAL PLOT" BY MARCOS BEGINNING AS EARLY AS 1966 TO PLACE PHILIPPINES UNDER MARTIAL LAW. ACCORDING MIJARES, MARCOS DELIBERATELY CONTRIVED CRISES WHICH CREATED AN ATMOSPHERE OF ANARCHY TO BRING PHILIPPINE PEOPLE INTO SUCH A STATE OF PARALYSIS THAT THEY WOULD WILLINGLY SUPPORT MARTIAL LAW. MARCOS THEN FORCED THROUGH A NEW CONSTITUTION AND FAKED A REFERENDUM TO RATIFY IT. MARCOS NOW PLANS PERPETUATE HIMSELF, WIFE AND/OR SON IN POWER. MIJARES ALSO CHARGED SUPPORT STATE DEPARTMENT HAS SHOWN FOR "MARTIAL REGIME" HAS STYMIED THOSE DESIROUS OF OVERTHROWING MARCOS.

6. AMELITO MUTUC PRAISED "MARTIAL LAW REGIME" AS "DARING EXPERIMENT IN POLITICAL SCIENCE" WHICH ATTEMPTSTO ACHIEVE "NOBLE AND LOFTY OBJECTIVES OF GOVERNMENT UNDER RULE OF LIMITED OFFICIAL USE  
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PAGE 03 STATE 145050

LAW." MUTUC SAID IF MARTIAL LAW REGIME SUCCEEDS IT MIGHT SET NEW PATTERN FOR GOVERNMENTS IN SOUTHEAST ASIA. MUTUC CLAIMED MARTIAL LAW COMPLETELY LEGAL AND HAD BEEN RATIFIED BY REFERENDA WHICH WERE "CLEAN, HONEST AND ORDERLY." MUTUC POINTED TO "OUTSTANDING ACHIEVEMENTS AND ACCOMPLISHMENTS OF MARCOS ADMINISTRATION" IN EVERY FIELD INCLUDING A "CULTURAL RENNAISSANCE." USING SAME FIGURES QUOTED BY ICI REPRESENTATIVE BUTLER, MUTUC SAID THERE ARE ABOUT 6,000 DETAINEES AND ADDED THAT ALTHOUGH THERE HAS BEEN SOME DELAY IN INVESTIGATION AND FILING OF CHARGES, HOPEFULLY IT WILL NOT BE LONG BEFORE ALL DETAINEES WILL BE ADEQUATELY CHARGED BEFORE PROPER COURTS OR MILITARY TRIBUNALS.

MUTUC ADMITTED TO SOME MISTREATMENT OF PRISONERS BUT SAID THAT IT WAS NOT BY DELIBERATE DESIGN AND THAT DEFENSE DEPARTMENT WAS ACTING PROMPTLY TO PUNISH OFFENDERS. MUTUC STATED ALL PRISONERS ARE ACCORDED DUE PROCESS AND HAVE ACCESS TO COUNSEL; COURTS ARE INDEPENDENT OF EXECUTIVE; NO ONE IS ARRESTED MERELY BECAUSE HE IS CRITICAL OF MARTIAL LAW; THERE IS FREEDOM OF ASSEMBLY. MARCOS ADMINISTRATION IS "DOING UTMOST TO PRESERVE AND PROTECT HUMAN RIGHTS." MUTUC CRITICIZED FRASER FOR PREJUDGING MARTIAL LAW. REMARKING THAT ANY FINDING OF FRASER COMMITTEE WOULD BE REGARDED AS "JUDGEMENT UPON MARTIAL LAW REGIME OF PRESIDENT MARCOS," MUTUC APPEALED FOR COMMITTEE NOT TO STOP AID TO PHILIPPINES AS THIS WOULD MEAN "DISAPPROVAL AND CONDEMNATION" OF "MARTIAL LAW REGIME".

7. GERALD HILL PRESENTATION DEALT MAINLY WITH IMPRISONMENT OF LOPEZ AND OSMENA, WITH TAKEOVER OF LOPEZ HOLDINGS AND MUZZLING OF PHILIPPINES PRESS AND WITH VARIOUS EFFORTS TO GET LOPEZ AND OSMENA OUT OF PRISON. HILL CHARGED THAT PHILIPPINE COURTS ARE CONTROLLED BY MARCOS, THAT "MORE THAN 3,500 POLITICAL PRISONERS LANGUISH BEHIND BARS . . . MANY FOR MORE THAN TWO AND ONE-HALF YEARS WITHOUT BAIL, WITHOUT SPECIFIC CHARGES, WITHOUT TRIAL AND WITHOUT ACCESS TO COUNSEL." (HILL'S FIGURE OF 3,500 POLITICAL PRISONERS CAUSED RIPPLE OF LAUGHTER AS MUTUC WHO WAS PLAINLY SPEAKING FROM PHILIPPINE EMBASSY PREPARED TEXT HAD ALREADY MENTIONED 6,000.) HILL CALLED FOR TERMINATION OF MILITARY AID UNDER SECTION 502A AND DEPARTING FROM HIS PREPARED LIMITED OFFICIAL USE  
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PAGE 04 STATE 145050

TEXT AT END OF HIS PRESENTATION MENTIONED HIS HORROR AT THE THOUGHT OF "MARCOS MARTIAL LAW" BEING THE NEW PATTERN FOR GOVERNMENT IN UNDERDEVELOPED COUNTRIES.

8. IN QUESTION AND ANSWER PERIOD FRASER QUESTIONED MUTUC GENTLY BUT POINTEDLY ON THE SOURCE OF SOME OF HIS INFORMATION (SPECIFICALLY REGARDING RED CROSS REPORTS OF CONDITIONS IN THE PRISONS -- MUTUC REPLIED IT WAS COCKTAIL TALK.) FRASER POINTED OUT THAT "ELECTIVE PART IS MISSING FROM THIS SYSTEM OF CONSTITUTIONAL AUTHORITARIANISM" AND QUESTIONED IF "THIS ARRANGEMENT" WOULD GO ON IN PERPETUITY. FRASER OBSERVED THAT THERE MUST BE "SOME PEOPLE WHO RESENT HAVING THEIR POLITICAL RIGHTS TAKEN AWAY". CONGRESSMAN WOLFF ASKED HOW MARCOS COULD RECONCILE HIS POLICY TOWARD PEKING WITH HIS JUSTIFICATION FOR CONTINUATION OF MARTIAL LAW BASED ON THREATS FROM MAOISTS.

9. MAIN PART OF DISCUSSION REVOLVED AROUND FREEDOM OF PRESS, REFERENDA AND CORRUPTION. MUTUC CLAIM THAT PHILIPPINE PRESS WAS FREE WAS EMPHATICALLY DENIED BY MIJARES WHO

DETAILED FROM HIS OWN EXPERIENCE HOW PRESS WAS CONTROLLED, ADDING THAT HE HIMSELF ON ORDERS FROM MARCOS HAD ATTEMPTED TO SILENCE AP CORRESPONDENT ZEITLIN. MIJARES AGREED WITH MUTUC THAT FOREIGN CORRESPONDENTS WERE RELATIVELY FREE BUT SAID THAT THEIR STORIES WOULD NEVER BE CARRIED IW PHILIPPINE PRESS. HILL ASKED HOW PRESS COULD BE FREE WHEN MOST OF PRESS CONTROLLED FINANCIALLY BY MARCOS. MIJARES THEN CHARGED THAT FEW LARGE COMMERCIAL TRANSACTIONS WERE ACCOMPLISHED IN THE PHILIPPINES WITHOUT MARCOS GETTING HIS CUT: MIJARES MENTIONED IN PARTICULAR CONTRACTS FOR OFFSHORE OIL EXPLORATION. FRASER NOTED THAT CHARGES OF CORRUPTION WERE OF PARTICULAR CONCERN AS IT WAS THIS THAT TURNED THE US PUBLIC AGAINST PRESIDENT THIEU.

10. MIJARES ALSO DENOUNCED MUTUC CLAIM THAT JUDICIARY WAS INDEPENDENT AND REFERENDA VALID. SAID HE HAD PARTICIPATED WITH BEN ROMUALDEZ IN MANUFACTURING THE RETURNS OF THE FIRST REFERENDUM IN 1973 AND HAD SEEN DECISIONS OF THE PHILIPPINE SUPREME COURT BEING DRAFTED IN MALACANANG BY MARCOS ASSISTANTS. WHEN CHALLENGED BY MUTUC TO NAME A LIMITED OFFICIAL USE  
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PAGE 05 STATE 145050

DECISION IN WHICH THIS HAPPENED, MIJARES IMMEDIATELY POINTED TO THE JAVELLANA CASE WHICH HE SAID WAS ORIGINALLY COMPOSED BY SOLICITOR GENERAL AND MALACANANG STAFF. MIJARES ALSO GAVE EXAMPLES OF HOW MARCOS INTIMIDATED SUPREME COURT JUSTICE FERNANDEZ INTO SUPPORTING MARTIAL LAW.

11. UNFORTUNATELY THROUGHOUT PROCEEDINGS MIJARES MADE A VERY INTERESTING WITNESS WHILE MUTUC OVER AND OVER WAS HOIST WITH HIS OWN PETARD. KISSINGER

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## Message Attributes

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